

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

TONIA CARTER,
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

VANDENBERG, CHASE & ASSOCIATES, LLC,
a foreign limited liability company,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, _____, through counsel, Nitzkin and Associates, by Gary

Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

3. The Defendant to this lawsuit is Vandenberg, Chase & Associates, LLC which is a foreign limited liability company doing business in Eaton Rapids, MI.

VENUE

4. The transactions and occurrences which give rise to this action occurred in Oakland County, MI
5. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect on a payday loan debt in the amount of about \$355.00.
7. On or about February 22, 2011, Defendant said to Plaintiff, "We are getting ready to Summons you."
8. To date, the Plaintiff has not received any such lawsuit from Defendant.
9. To date, the Plaintiff has not received anything in writing from Defendant.
10. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

11. Plaintiff reincorporates the preceding allegations by reference.
12. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
13. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
14. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

15. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;

16. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

17. Plaintiff incorporates the preceding allegations by reference.

18. Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

19. Plaintiff is a debtor as that term is defined in M.C.L. § 339.901(f).

20. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §339.915

21. Plaintiff has suffered damages as a result of these violations of the Michigan Occupational Code.

22. These violations of the Michigan Occupational Code were willful.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

a. Actual damages.

- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted.

April 5, 2011

/s/ Gary Nitzkin
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